



**City of Bellevue
Development Services Department
Land Use Staff Report**

Date of Receipt by Ecology:

**SHORELINE MANAGEMENT ACT
DECISION ON SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT**

File Number:	19-103062-WG
Proposal Name:	Lohman Pier
Proposal Address and Location:	Tract 59440TRACT-A and 9232 SE Shoreland Pl. SE 31-25-5
Water Body:	Lake Washington
Shoreline Environment Designation:	Shoreline Residential
Proposal Description: Land Use review of a Shoreline Substantial Development to reconfigure an existing pier by removing the ell and increasing the length of the walkway to create a new pier that is 106 feet long and covers 562 square feet of water. Removal of 12 piles and replacement with 12 steel piles and shoreline planting is included.	
Applicant: <input checked="" type="checkbox"/> Applicant owns property Kevin Lohman, 9232 SE Shoreland Pl., Bellevue, WA 98004, 425-922-8899	
Applicant Representative: Evan Wehr, Ecco Design Inc, 203 N 36 th St, Ste. 201, Seattle, WA 98103, 206-706-3937, evan@eccodesigninc.com	
Application Date:	January 10, 2019
Notice of Application Date:	February 7, 2019
Notice of Decision Date:	June 6, 2019

SEPA Determination:

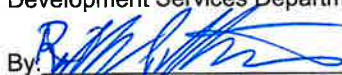
Determination of Non-Significance

SEPA Appeal Deadline:

June 20, 2019


Elizabeth Stead, Environmental Coordinator
Development Services Department

Decision on SSDP:

Approval with Conditions
Michael A. Brennan, Director
Development Services Department
By: 
Reilly Pittman, Land Use Planner

The appeal period for a Shoreline Substantial Development Permit is 21 days from the "date of filing" with the Department of Ecology, as defined in RCW 90.58.140(6) and WAC 173-27-130. Appeal of the decision must be made to the Washington State Shoreline Hearings Board.

This permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(8) in the event the permittee fails to comply with the terms and conditions hereof. This permit approval will expire within two years of the date of filing unless the construction, use, or activity pursuant to this permit is commenced. Final expiration of this permit approval is five years from the date of filing. Request for extension of expiration is subject to LUC 20.25E.250.E.6.

Construction pursuant to this permit shall not begin or is not authorized until twenty-one (21) days from the date of filing or until all review proceedings initiated within twenty-one (21) days from the date of such filing have terminated; except as provided in RCW 90.58.140(5) (A) (B) (C) (D).

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Attachments to this Decision

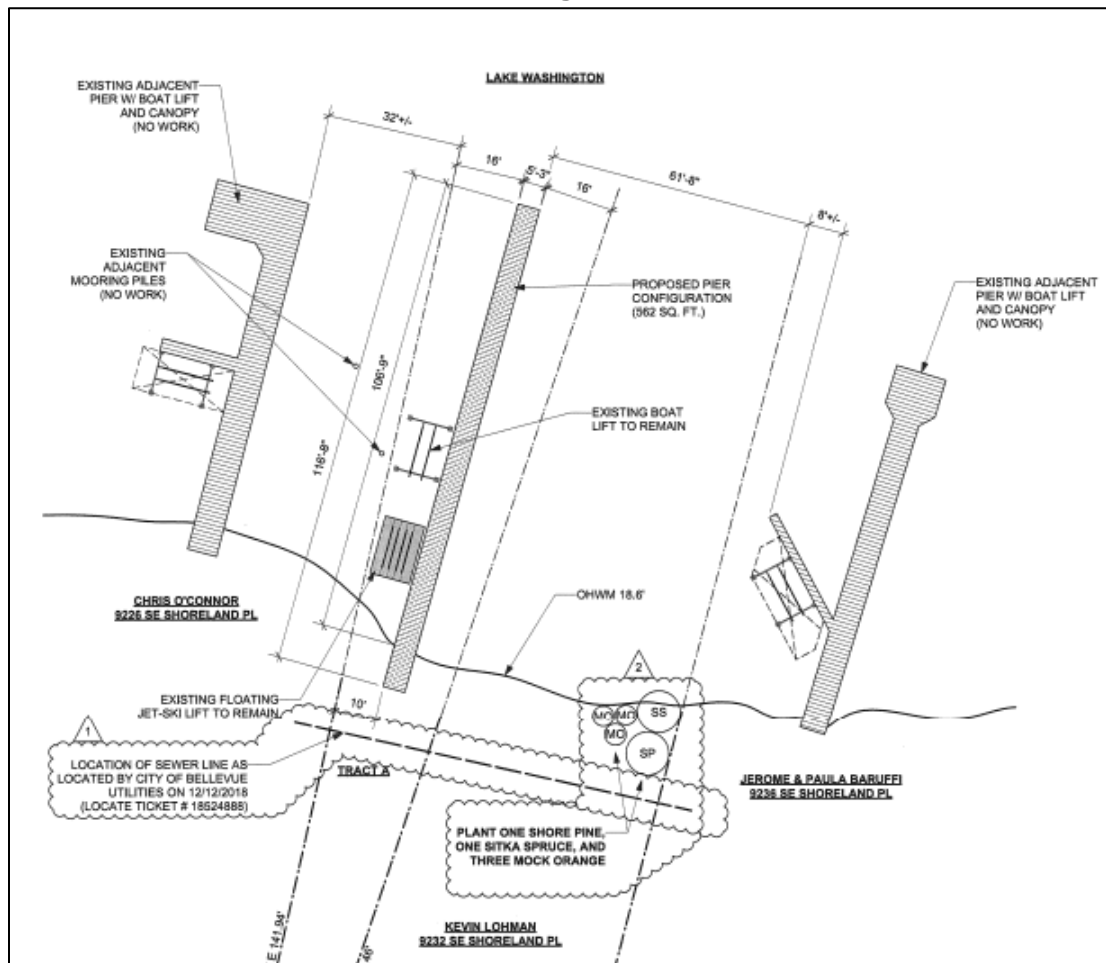
Project Plans
SEPA Determination of Non-Significance

See project file for all submitted documents and forms.

I. Proposal Description

The proposal is to reconfigure an existing joint-use pier located on a private tract that provides residential moorage. The existing pier covers 540 square feet of water and will be reconfigured to remove the ell and extend the walkway out waterward. The resulting pier will be 106 feet long as measured from the Ordinary High Water Mark of Lake Washington and will cover 562 square feet. Two existing boat lifts are proposed to remain, and the applicant proposed shoreline planting to meet requirements by the US Army Corps. **See Attachment 1 for project plans and Figure 1 below for the proposed dock.**

Figure 1



II. Site Description and Shoreline Environment Designation

The site is located on Meydenbauer Bay in Lake Washington. The dock is located on a private tract that is owned by multiple owners adjacent to the tract. The dock is a joint-use dock and there is no change to this status proposed under this permit. The property has a shoreline environment designation of SR, Shoreline Residential. Per LUC 20.25E.010, the shoreline residential environment is to accommodate single or multifamily residential development and appurtenant structures. A shoreline residential environment designation is assigned to Bellevue shorelands which are predominantly characterized by residential development or are

planned for residential development and exhibit moderate to low levels of ecological functions because of historic shoreline modification activities. **See Figure 2 for existing site condition.**

Figure 2



III. Consistency with Land Use Code Requirements

A. Zoning District Dimensional Requirements:

No upland structures are proposed that are subject to zoning requirements.

B. Shoreline Overlay District LUC 20.25E.065:

The property has frontage along Lake Washington and is within the Shoreline Overlay District which regulates areas within 200-feet of the Ordinary High Water Mark of shorelines identified in LUC 20.25E and the City's Shoreline Master Program. The Shoreline Overlay District regulations (LUC 20.25E) allow residential moorage facilities provided the applicable performance standards in LUC 20.25E.065 are met.

i. Consistency with LUC 20.25E.065.H

Each application for a new or reconfigured residential dock shall comply with the

requirements in LUC 20.25E.065.H.4 or as amended by approval from the US Army Corps of Engineers under Section 404 or Section 10 or by the Washington Department of Fish and Wildlife HPA as follows:

Dock Location: Lake Washington		
Development Standard	Required by LUC 20.25E.065	Proposed Standards
Number of Docks Allowed	1 per residential lot	1 proposed
Dock Side Setback	10' or as established per mutual agreement	10' proposed Existing lifts in setback are proposed to remain
Maximum Dock Length	150'	106' from OHWM
Maximum Dock Size	480 square feet	562 square feet Allowed per USACE Approval
Maximum Walkway Width	4' within 30' of OHWM 6' beyond 30' from OHWM	5'3" wide for entire dock Allowed per USACE Approval
EII Location vs Depth	30' waterward of OHWM or at least 9' of water depth	No EII is proposed
Mooring Piles	2 per lot	None Proposed
Decking	Grated	Open Grating Proposed

ii. **General Requirements Applicable to all Residential Docks**

- a. **Dock Materials.** Environmentally neutral materials approved by the Environmental Protection Agency for use in aquatic environments shall be used. No materials treated with known toxic preservatives is allowed. Dock materials shall not be treated with pentachlorophenol, creosote, chromate copper arsenate (CCA) or comparably toxic compounds. Preservative and surface treatments are limited to products approved for use in aquatic environments and must be applied according to label directions. Construction hardware that comes into contact with water either directly, or through precipitation that causes discharges either directly or indirectly into surface waters shall not be susceptible to dissolution by corrosion.

- b. Dock Lighting.** Dock lighting for the purpose of illuminating the dock surface for safety is allowed when the illuminating fixtures are limited to the minimum height necessary above the dock surface, or screened to provide the intended function of walkway illumination, without allowing light emissions to spill outside of the dock surface.

Finding: The proposal is required by code to comply with dock material requirements and all piles are proposed to be steel. No lighting is proposed. The submitted project description and code narrative states the requirements for dock materials and lighting will be met.

IV. Public Notice and Comment

Application Date:	January 10, 2019
Public Notice Date:	February 7, 2019
30-Day Comment Period End:	March 11, 2019

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin on February 7, 2019. It was mailed to property owners within 500 feet of the project site. Comments were received from Karen Walter with the Muckleshoot tribe regarding the proposed planting and use of shore pine. The City's shoreline code allows for shore pine as a planting options for trees.

V. Summary of Technical Reviews

A. Clearing and Grading

The Clearing and Grading Division of the Development Services Department has reviewed the proposed site development for compliance with Clearing and Grading codes and standards and approved the application.

B. Utilities

The Utilities Department has reviewed the proposed site development for compliance with Utility codes and standards and approved the application.

VI. State Environmental Policy Act (SEPA)

The environmental review indicates no probability of significant adverse environmental impacts occurring as a result of the proposal. The Environmental Checklist submitted with the application adequately discloses expected environmental impacts associated with the project. The City codes and requirements, including the Clear and Grade Code, Utility Code, Land Use Code, Noise Ordinance, Building Code and other construction codes are expected to mitigate potential environmental impacts. Therefore, issuance of a Determination of Non-Significance (DNS) is the appropriate threshold determination under the State Environmental

Policy Act (SEPA) requirements.

A. Earth, Air, and Water

No dredging, withdrawals, diversions, or discharges are anticipated from the proposed dock construction. Twelve existing wood piles are proposed to be removed and replaced with 12 steel piles. The proposal is subject to applicable sediment control requirements as required by clearing and grading review.

B. Animals

Chinook salmon, bull trout, and steelhead are found in Lake Washington. Provided that it meets City standards, the removal and installation of piles and reconfiguration of the pier is allowed. The entire dock is proposed to be fully grated which will allow for increased light penetration. Fish species and their habitat will be protected during the project construction through the timing of in-water work. The applicant will be required to receive State and Federal permit approval and all in-water work is required to occur within the construction window as established by the agencies to minimize or avoid impacts to fish and wildlife. **See Conditions of Approval in Section X of this report**

C. Plants

No vegetation will be disturbed and planting is proposed along the shoreline consisting of one shore pine and one Sitka spruce trees and three mock orange shrubs to comply with USACE permit requirements.

D. Noise

The site is adjacent to single-family residences whose residents are most sensitive to disturbance from noise during evening, late night and weekend hours when they are likely to be at home. Construction noise will be limited by the City's Noise Ordinance (Chapter 9.18 BCC) which regulates construction hours and noise levels.

VII. Changes to Proposal Due to Staff Review

No changes were proposed. The applicant was required to obtain approval from the USACE, as allowed by LUC 20.25E.065, for moorage facilities to deviate from the code limits if they receive approval from federal or state agencies.

VIII. Decision Criteria

LUC 20.25E.160.D Shoreline Substantial Development Permit – Decision Criteria

The Director may approve, or approve with modifications a Shoreline Substantial Development Permit if:

- 1. The proposal is consistent with the policies and procedures of the Shoreline Management Act;**

Finding: As evaluated the proposal is consistent with applicable policies and procedures of the Shoreline Management Act (SMA). The SMA includes broad policies that give priority to water-dependent uses and activities and single-family residences are specifically identified as a preferred use.

2. The proposal is consistent with the provisions of Chapter 173-27 WAC;

Finding: The proposal is consistent with 173-27 WAC.

3. The proposal is consistent with the SMP;

Finding: As evaluated in Section III of this report, the applicant has submitted project plans that demonstrate the proposal's consistency with the policies and procedures of the Shoreline Management Program (SMP).

4. The proposal will be served by adequate public facilities including streets, fire protection, and utilities;

Finding: The proposed dock reconfiguration does not alter existing service of public facilities to the property.

5. The proposal is consistent with the Bellevue Comprehensive Plan;

Shoreline Management Goal 6. To recognize existing residential uses and to regulate new residential construction within the intent of shoreline policies.

Finding: The proposed dock is consistent with this goal in the allow residential use of the shoreline.

6. The proposal complies with applicable requirements of the Bellevue City Code.

Finding: As identified in Section III of this report the applicant has submitted project plans that demonstrate the proposal's compliance with the applicable City of Bellevue Codes and Standards.

IX. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, SEPA, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the reconfiguration of the existing pier at 9232 SE Shoreland Pl. **Approval of this Shoreline Substantial Development Permit does not constitute a permit for construction. A building permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.**

Note- Expiration of Approval: In accordance with LUC 20.25E.250, the Shoreline Substantial Development Permit automatically expires and is void if the applicant fails to commence construction, use, or activity granted by the shoreline permit within two years of

the effective date of the permit unless the applicant has received an extension for the Shoreline Substantial Development Permit pursuant to LUC 20.25E.250.

Permit authorization expires finally, despite commencement of construction, five years after the effective date of the Shoreline Substantial Development Permit unless the applicant has received an extension pursuant to LUC 20.25E.250.

X. Conditions of Approval

The applicant shall comply with all applicable Bellevue City Codes and Ordinances including but not limited to:

Applicable Ordinances	Contact Person
Clearing and Grading Code- BCC 23.76	Janey Gwo, 425-452-6190
Utilities – BCC Title 24	Jason Felgar, 425-452-7851
Land Use Code- BCC Title 20	Reilly Pittman, 425-452-4350
Noise Control- BCC 9.18	Reilly Pittman, 425-452-4350

The following conditions are imposed under the Bellevue City Code or SEPA authority referenced:

- 1. Building Permit Required:** Approval of this Shoreline Substantial Development Permit does not constitute an approval of a building permit. Application for a building permit must be submitted and approved. Plans submitted as part of the building permit application shall be consistent with the activity permitted under this approval.

Authority: Land Use Code 20.25E.160

Reviewer: Reilly Pittman, Development Services Department

- 2. Federal and State Permits:** Federal and state water quality standards shall be met. All required federal and state permits and approvals must be received by the applicant prior to commencement of any work.

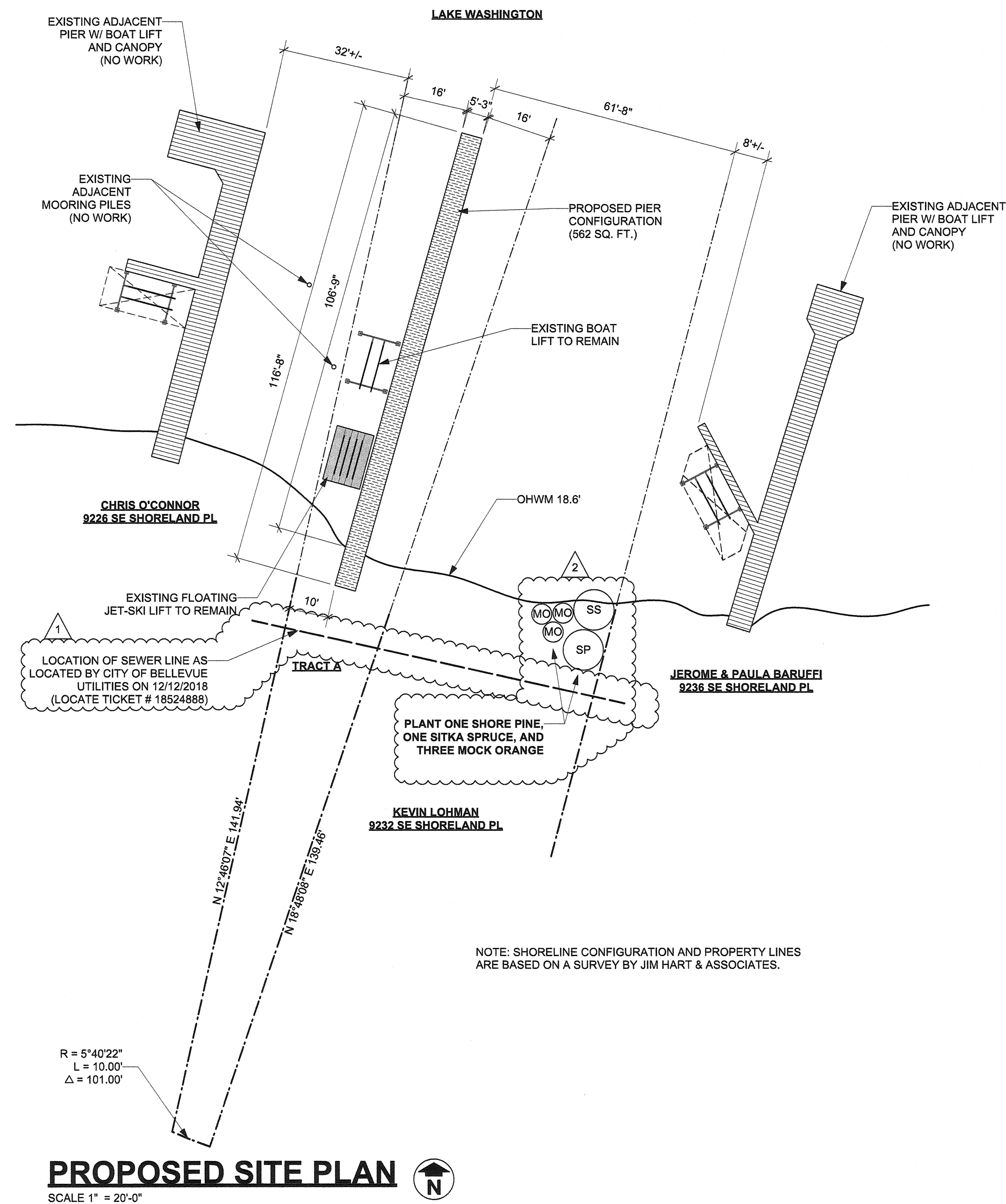
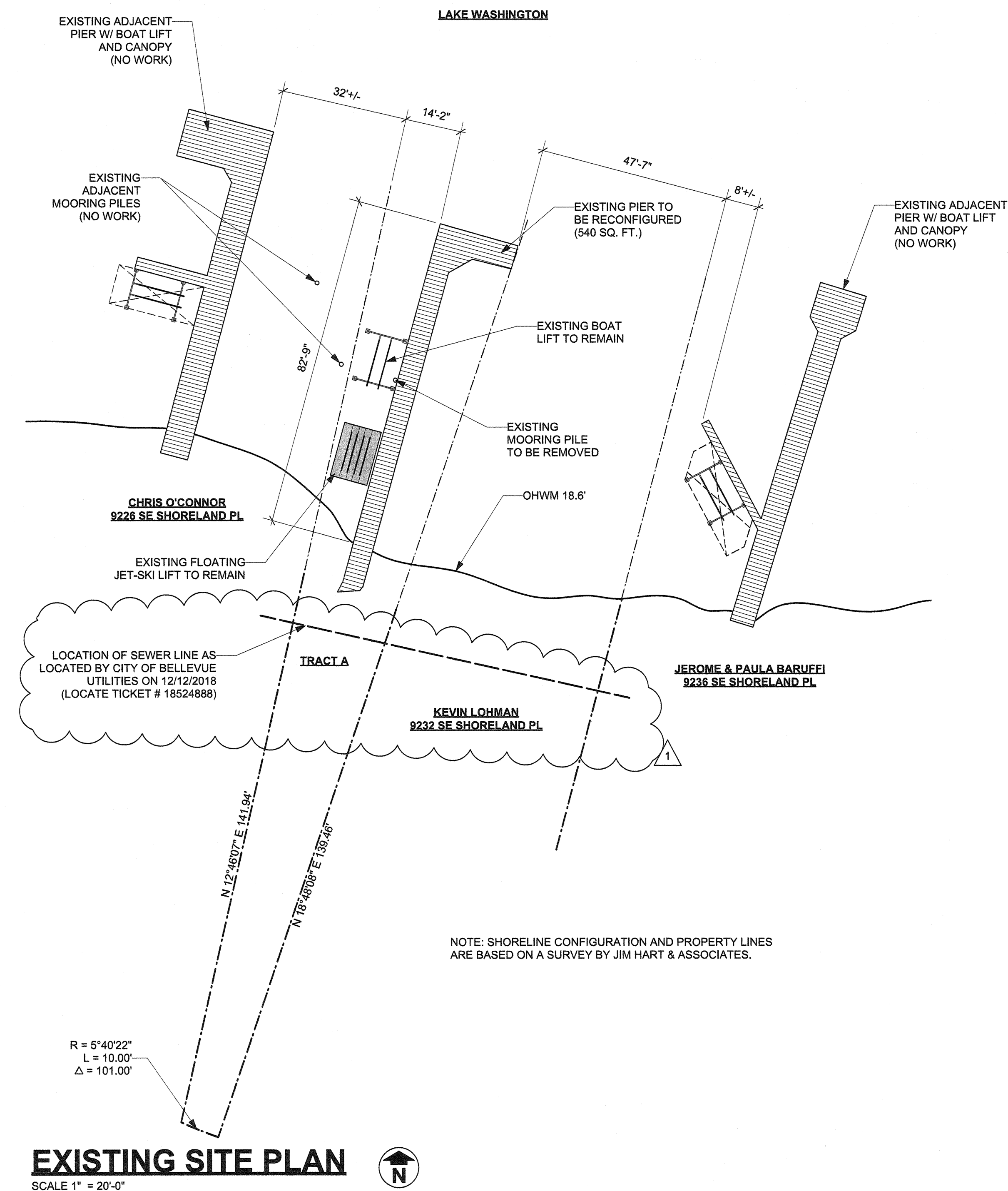
Authority: Land Use Code 20.25E.065

Reviewer: Reilly Pittman, Development Services Department

- 3. In-Water Work Window:** The US Army Corps of Engineers regulates work windows for when work can occur in Lake Washington. The allowed work window where work can occur in water for this property is from July 16th to April 30th, subject to change by US Army Corps regulation. No work may occur between May 1 through July 15th.

Authority: Land Use Code 20.25E.160

Reviewer: Reilly Pittman, Development Services Department



PROJECT INFORMATION

APPLICANT:
KEVIN LOHMAN
9232 SE SHORELAND PL
BELLEVUE, WA 98004

JOINT OWNERS:
KEVIN LOHMAN
BRAD & JILL GREEN

SITE ADDRESS:
9232 SE SHORELAND PL
BELLEVUE, WA 98004

PARCEL NUMBER:
549440TRACT-A & 5494400040

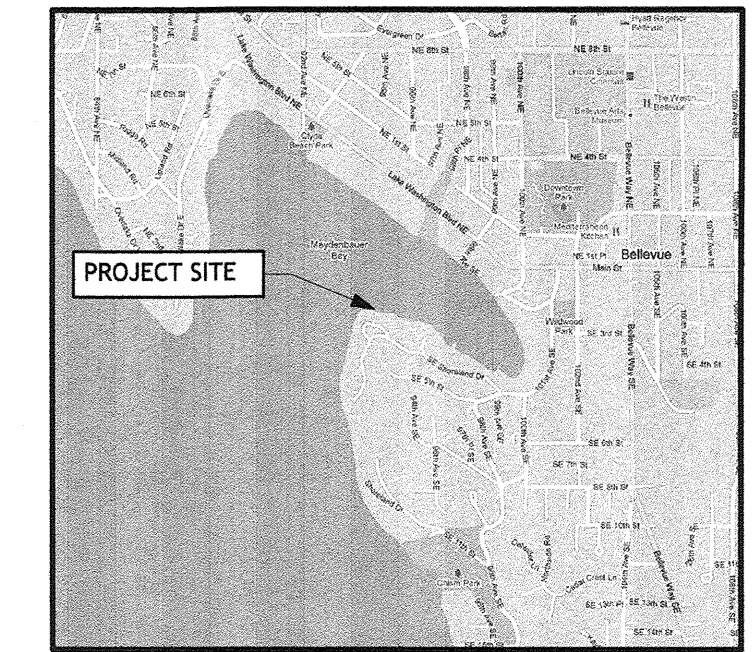
BODY OF WATER:
LAKE WASHINGTON

LEGAL DESCRIPTION:
TRACT A, MEYDENBAUER POINT, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 94 OF PLATS, PAGE(S) 54 AND 55, IN KING COUNTY, WASHINGTON;

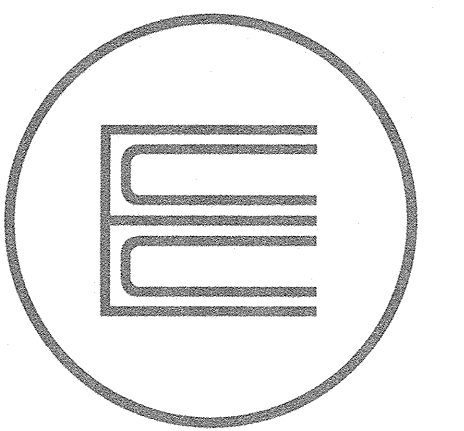
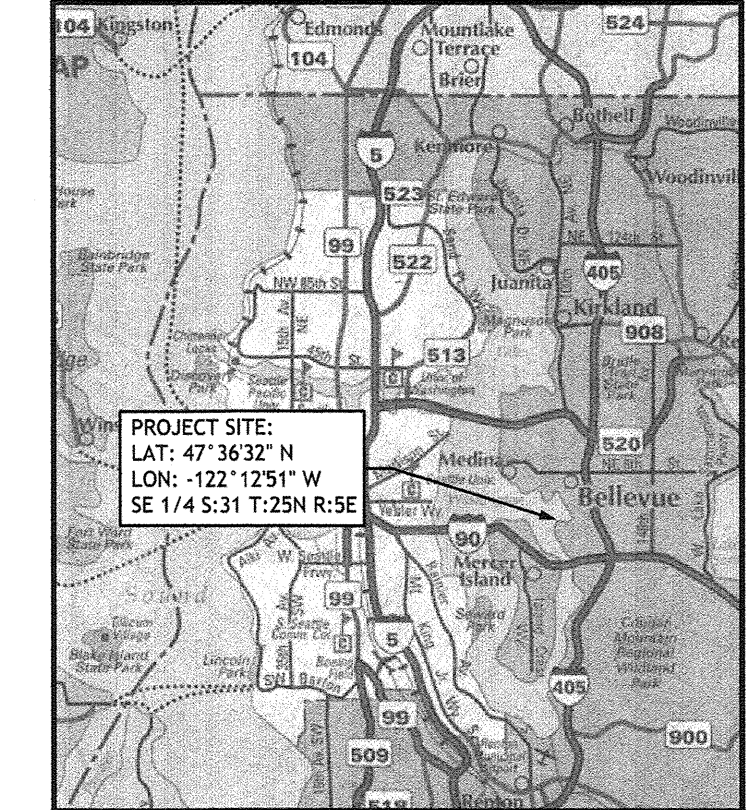
MEYDENBAUER POINT TGW 2ND CL SH LDS & TGW 1/2 UND INT IN TR A & TGW UND INT IN TR B (PRVT RD)
PLAT LOT: 4

PROJECT DESCRIPTION:
RECONFIGURE AN EXISTING PIER BY REMOVING THE EXISTING ELL AND EXTENDING THE PIER WALKWAY TWENTY-FOUR FEET. THE EXISTING PIER CONFIGURATION IS 540 SQUARE FEET AND THE NEW PIER CONFIGURATION WILL BE 562 SQUARE FEET. TWELVE EXISTING WOOD PILES WILL BE REMOVED, FOURTEEN NEW STEEL PILES WILL BE INSTALLED. THE PIER WILL BE REFRAMED AND DECKED WITH THRUFLOW GRATED DECKING (42% OPEN SPACE). PLANT ONE SHORE PINE, ONE SITKA SPRUCE, AND THREE MOCK ORANGE.

SITE MAP



VICINITY MAP

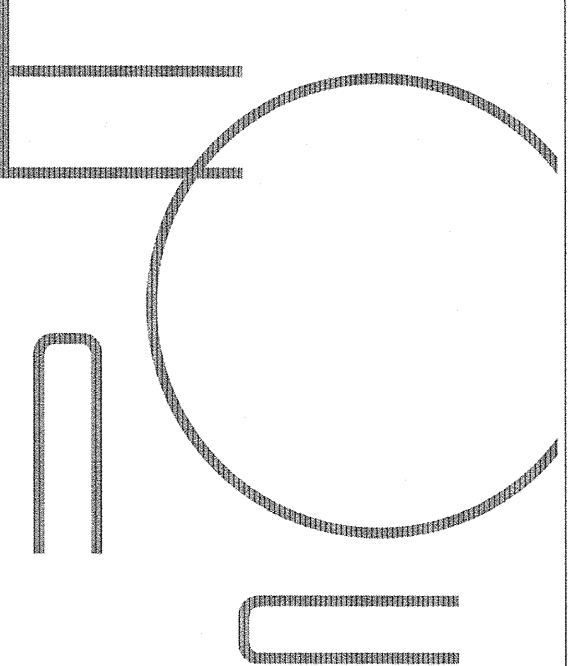


ECCO

Architecture & Design
203 N 36th Street, Ste. 201
Seattle, WA 98103

PROJECT INFO SITE PLAN

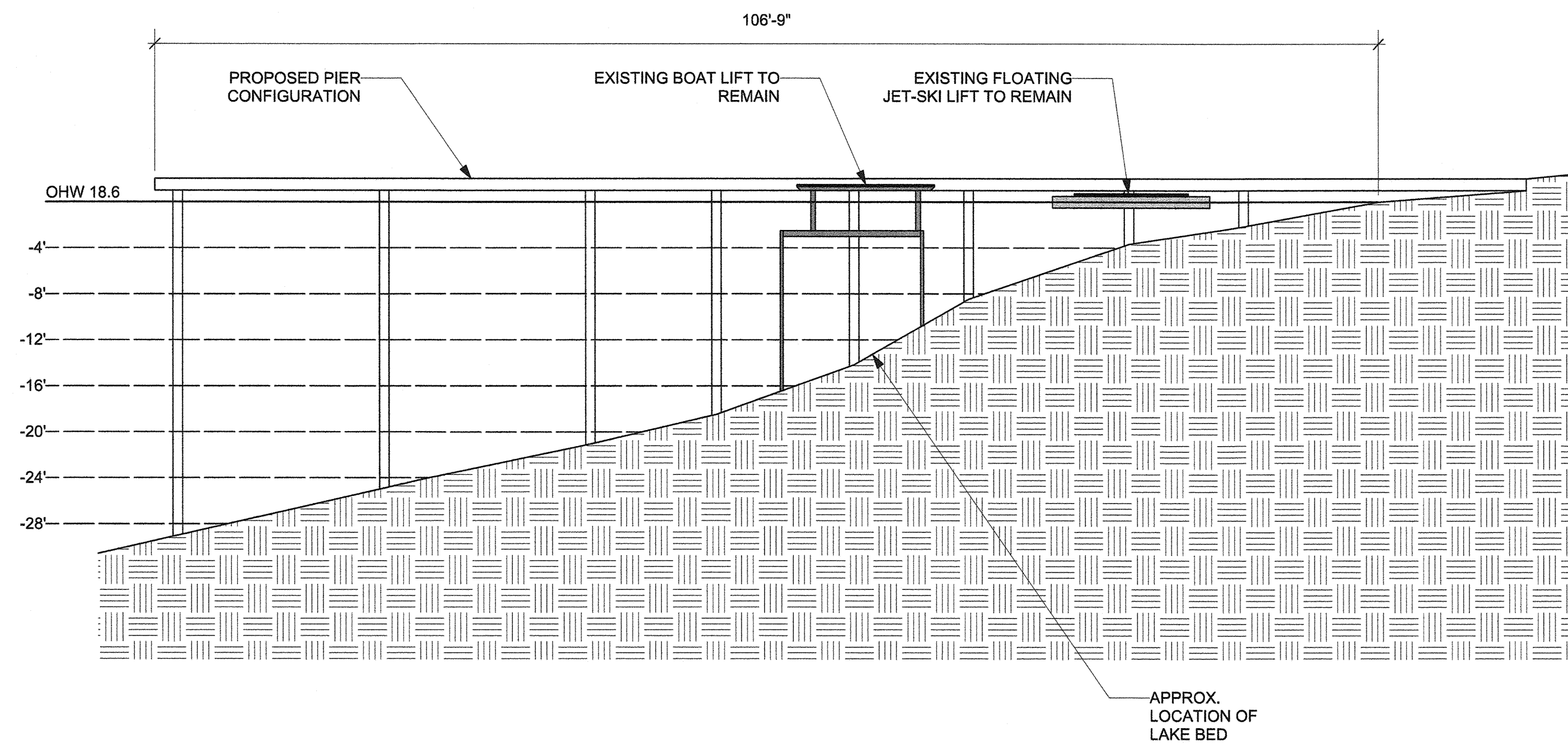
DATE: 1/9/2019
REVISIONS: 1/14/2019
4/26/2019



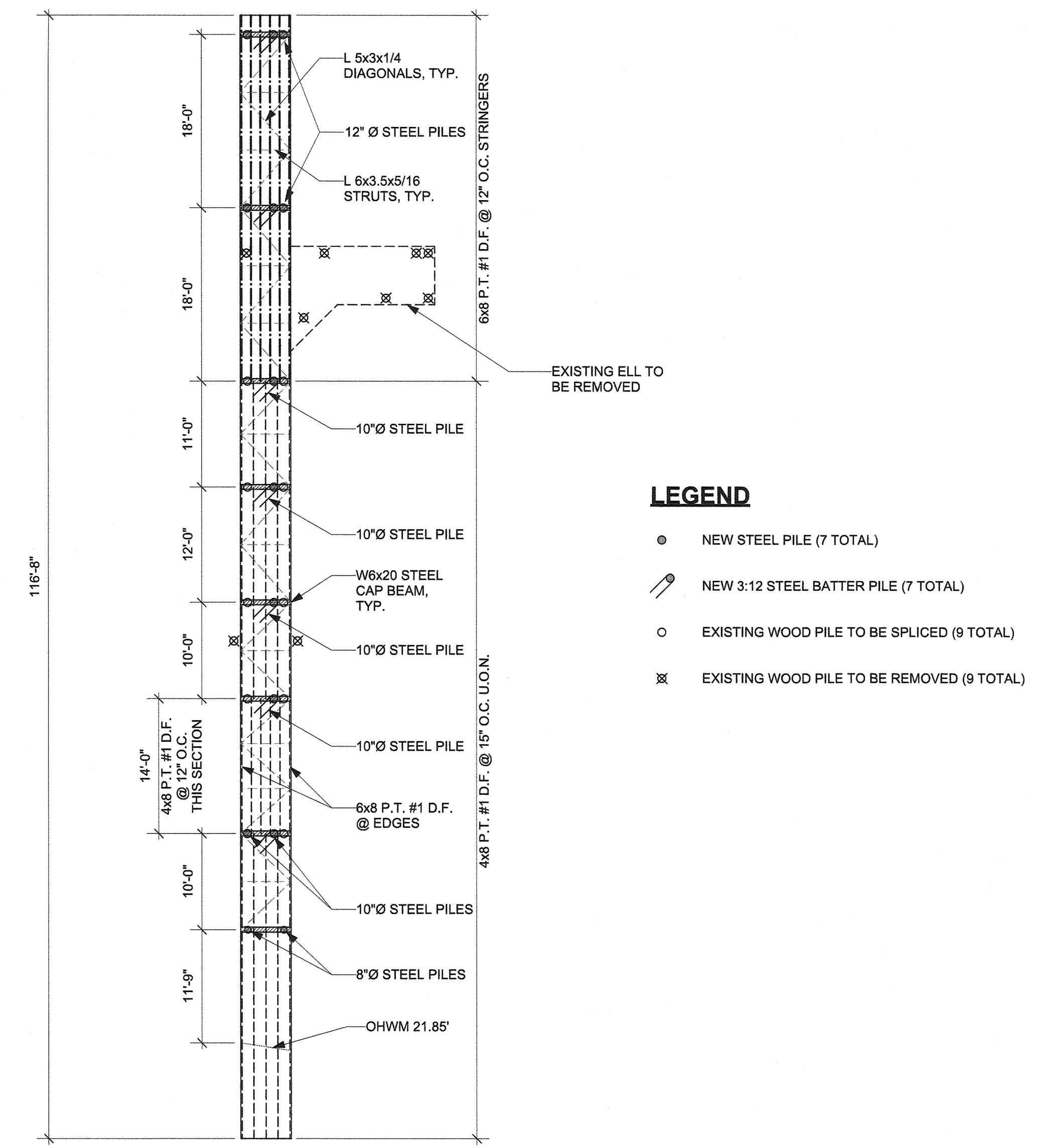
LOHMAN PIER
9232 SE SHORELAND PL
BELLEVUE, WA 98004

Received
APR 30 2019

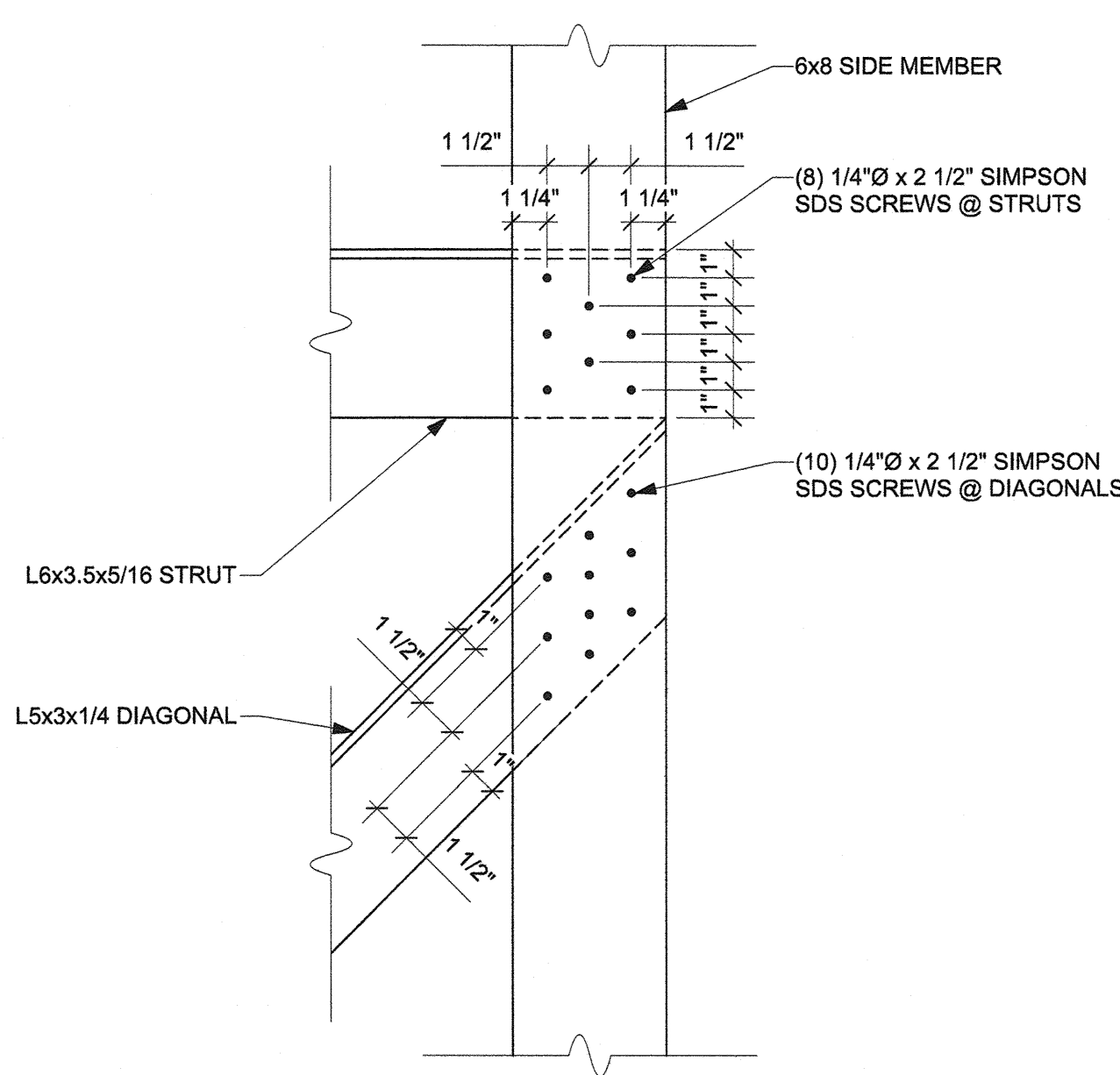
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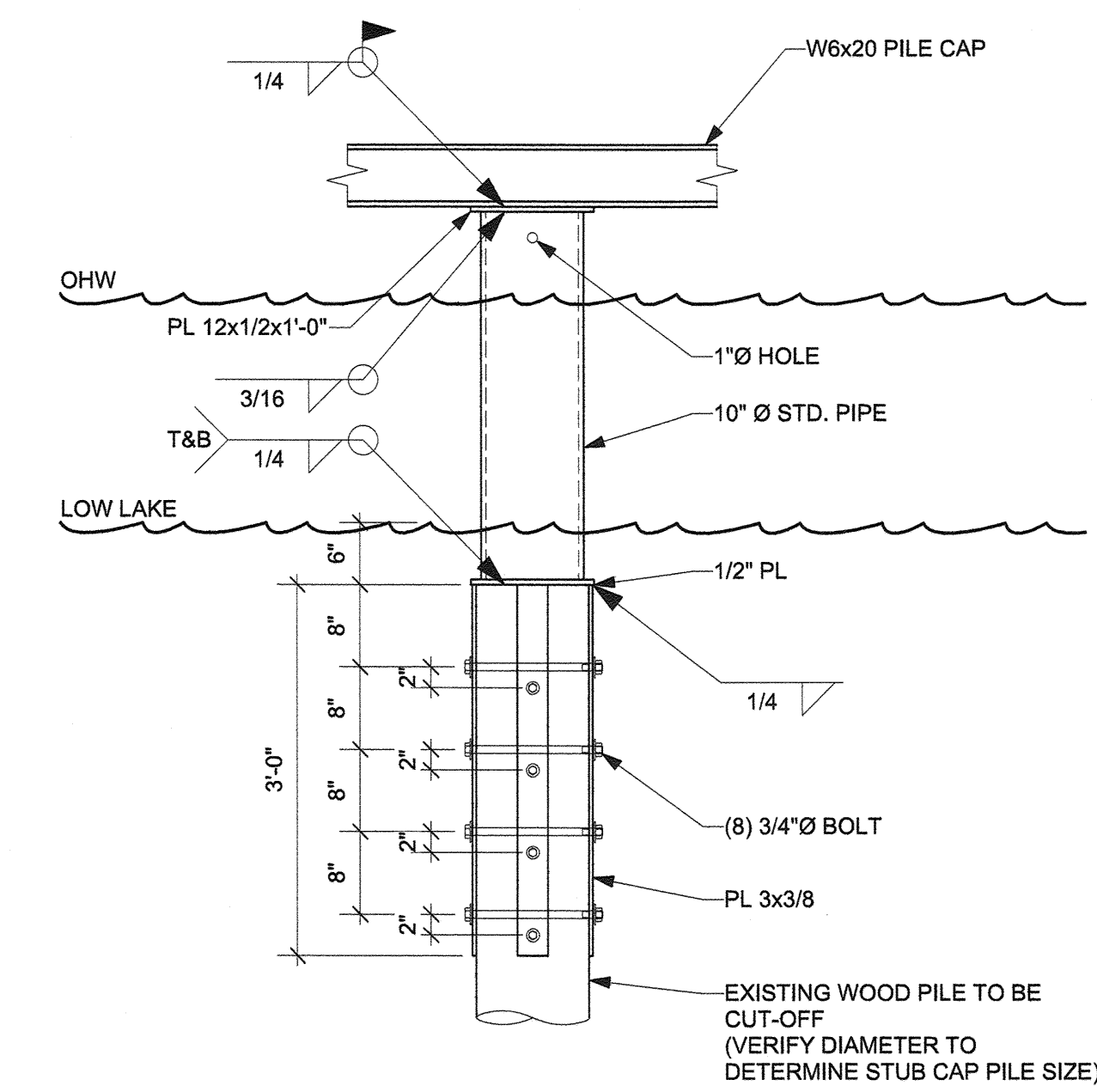
PIER ELEVATION
SCALE 1" = 10'-0"



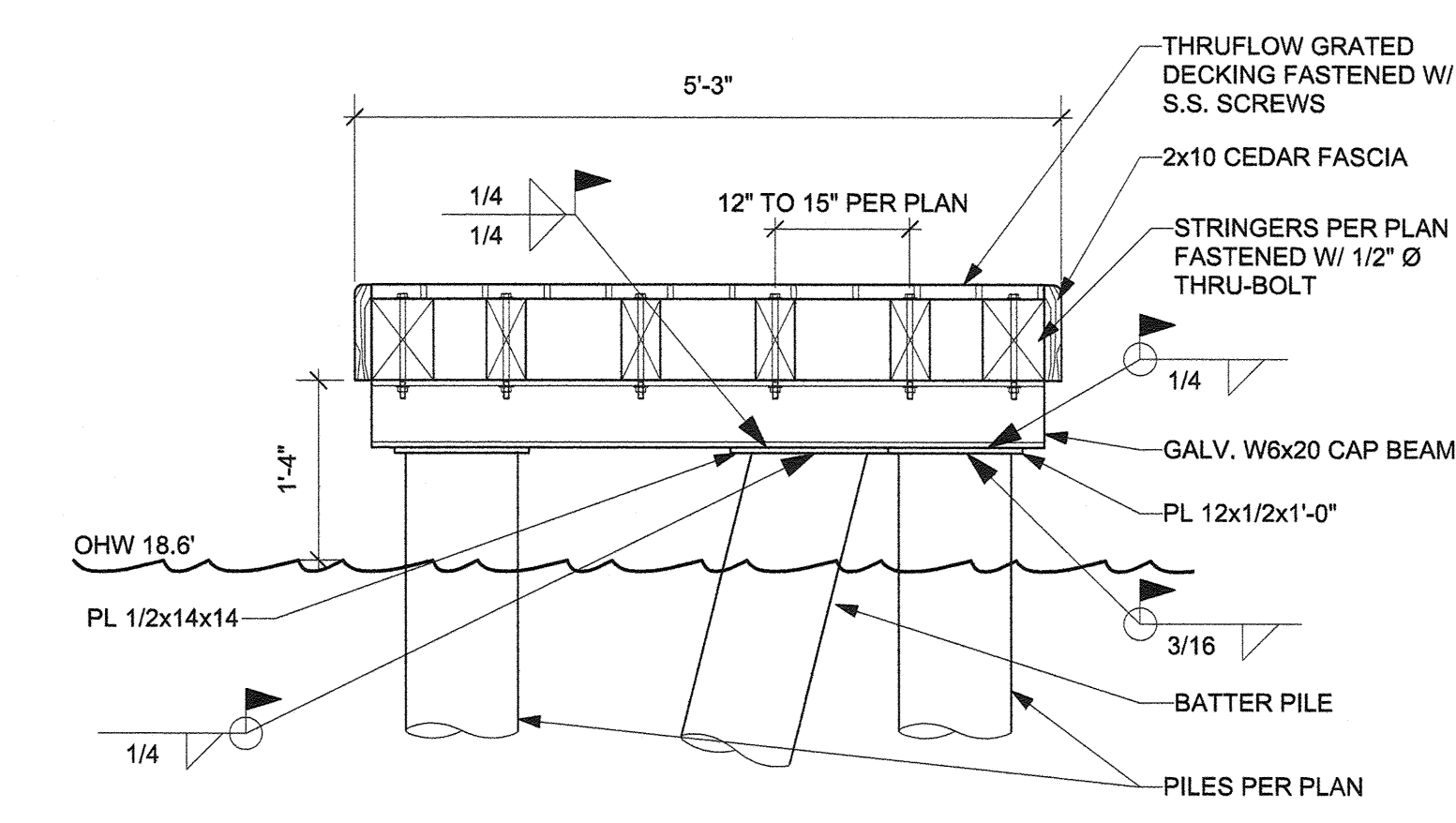
PIER PILE & FRAMING PLAN
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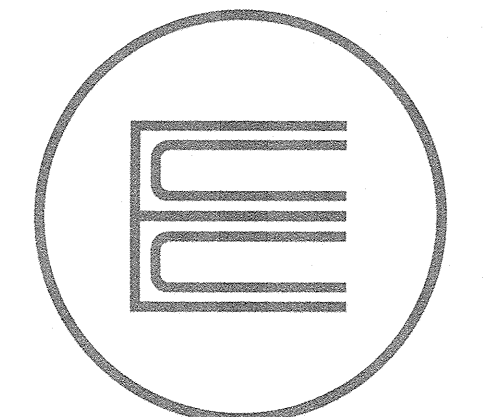
STRUT & DIAGONAL CONNECTION DETAIL
SCALE 2" = 1'-0"



PILE COLLAR DETAIL
SCALE 3/4" = 1'-0"



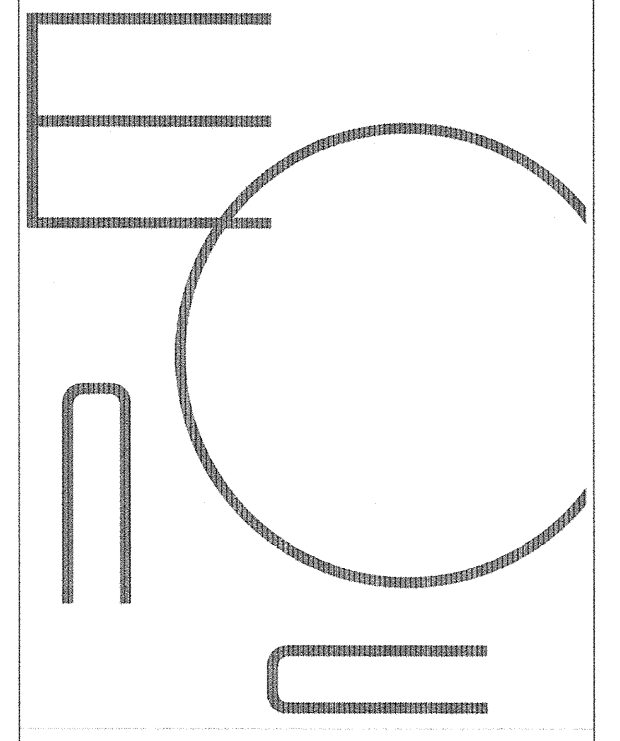
PIER WALKWAY SECTION
SCALE 3/4" = 1'-0"



ECCO
Architecture & Design
203 N 36th Street, Ste. 201
Seattle, WA 98103

**FRAMING PLAN
ELEVATION
SECTION**

DATE: 1/9/2019
REVISIONS:



LOHMAN PIER
9232 SE SHORELAND PL
BELLEVUE, WA 98004

Received
APR 30 2019

A2.0



DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE
BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Evan Wehr, Ecco Design Inc.

LOCATION OF PROPOSAL: 9232 SE Shoreland Pl. Bellevue, WA 98004

DESCRIPTION OF PROPOSAL: Reconfiguration of an existing joint-use pier in Lake Washington that will be 106 feet long, cover 562 square feet of water, replace 12 piles with steel piles, and include shoreline planting.

FILE NUMBERS: 19-103062-WG

PLANNER: Reilly Pittman

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

- ☐ There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on _____.
- ☒ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on **6/20/2019**
- ☐ This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5:00 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so as to have significant adverse environmental impacts; if there is significant new information indicating a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.

Heidi M. Butler for
Environmental Coordinator
Elizabeth Stead

6/6/2019

Date

OTHERS TO RECEIVE THIS DOCUMENT:

- ☒ State Department of Fish and Wildlife / Stewart.Reinbold@dfw.gov; Christa.Heller@dfw.wa.gov;
- ☒ State Department of Ecology, Shoreline Planner N.W. Region / Jobu461@ecy.wa.gov; sepaunit@ecy.wa.gov
- ☒ Army Corps of Engineers Susan.M.Powell@nws02.usace.army.mil
- ☒ Attorney General ecyolyef@atg.wa.gov
- ☒ Muckleshoot Indian Tribe Karen.Walter@muckleshoot.nsn.us; Fisheries.fileroom@muckleshoot.nsn.us